REMARKS

Claims 1, 10-19, 26, 32, 39-46 and 49 are pending in the application. Claims 1, 39, 45, and 49 were amended. Support for the amendments can be found in the original application as filed and thus, no new matter has been added. Claim 2-9, 20-25, 27-31, 33-38, 47-48, and 50-53 have been withdrawn. Applicants respectfully request reconsideration and withdrawal of the rejections based on the remarks contained herein.

CLAIM REJECTIONS UNDER 35 U.S.C.§102

Claims 1, 11-19, 39-46, and 49 have been rejected under 35 U.S.C.§102(b) as being anticipated by Koike (US Pat. Pub. No. 2003/00006889). This rejection is respectfully traversed.

Claims 1 and 45 were amended to recite, "exchanging vehicle condition-defining signals between the first and second vehicles in response to the probability of the potential collision being greater than a threshold value." Support for the amendment can be found in, for example, paragraph [0017] or [0049]. Applicants respectfully submit that, at a minimum, Koike fails to disclose this limitation.

At best, Koike is directed to systems and methods for reducing the chance of a collision between two vehicles. (Abstract) Koike provides four embodiments of the invention. In Koike, data including a time, position and existence probability (Table 1) is exchanged between vehicles. Koike discloses exchanging the data by transmitting and receiving signals at steps S13 of FIG. 4A, S23 of FIG. 4B, steps S34, S35 of FIG. 8, S41, S42 of FIG. 9, steps S114, S116, S118 of FIG. 16, steps S164, S166 of FIG. 23, or steps S203, S204, S205 of FIG. 26.

After transmitting the signals, Koike discloses determining and evaluating a collision probability at steps S37, S38 of FIG. 8, steps S120, S122 of FIG. 16, steps S170, S174, S172, of

FIG. 23, step S206 of FIG. 26, or step S207 of FIG. 27. In each of the embodiments, Koike fails to disclose or even suggest exchanging signals "in response to" the collision probability being evaluated, rather Koike only discloses exchanging the signals before and in preparation for determining the collision probability.

This is clearly illustrated in the third embodiment of FIG. 16 where steps S114 and S118 are performed in preparation for determining the probability of collision at step S120. In response to the probability of the collision being high at step S122 (YES), the steps of FIG. 17 are performed at A. Applicants respectfully submit that nowhere in FIG. 17 does Koike disclose exchanging vehicle condition-defining signals between the first and second vehicles in response to the probability of the potential collision being greater than a threshold value.

The Examiner makes the arguments that in the embodiment of FIG. 8 step S37, S38, "the collision possibility is calculated and decision implemented in a continuous loop before, in preparation and after for determining the collision possibility." The Applicants respectfully disagree. The loop in this case is only continuous when the collision probability is not high (N) at step S38. Thus, in this case the transmitting of vehicle data is only performed in preparation for determining the probability, and after the probability is determined when the collision probability is not high. Applicants respectfully submit that not one of the embodiments of Koike discloses exchanging vehicle condition-defining signals between the first and second vehicles in response to the probability of the potential collision being greater than a threshold value.

Claim 39 and 49 were similarly amended to recite, "transmitting the first vehicle condition-defining signal to the second vehicle in response to the probability of the potential collision being greater than a threshold value." As stated above, Koike fails to disclose exchanging or transmitting signals in response to the probability of the potential collision being greater than a threshold value.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 39 and 49.

Moreover, claims 1, 45, and 49 similarly recite, "predicting onboard the first vehicle a severity of the potential collision for the first vehicle based on input including the first vehicle condition-defining signal and the second vehicle condition-defining signal" and "predicting onboard the second vehicle a severity of the potential collision for the second vehicle based on input including the first vehicle condition-defining signal and the second vehicle condition-defining signal." Claim 39 recites, "predicting onboard the first vehicle a severity of the potential collision for the first vehicle when the probability of the potential collision is greater than a threshold value." Applicants respectfully submit that Koike fails to disclose these limitations.

The Examiner argues, for example, that the probability at step S38 of FIG. 8 is the severity recited in the present claims. However, the Examiner, as previously discussed, argues that the probability is also the probability as recited in the present claim. Applicants respectfully submit that Step S38 of FIG. 8 can't be both a determination of the probability and a prediction of the severity. Applicants fail to find mention of a severity of collision in Koike. Moreover, Applicants fail to find mention of a severity of a collision that is predicted based on the first vehicle condition-defining signal or the second vehicle condition-defining signal that were exchanged in response to the probability. Thus, Applicants respectfully submit that at a minimum Koike fails to disclose predicting a severity.

Claims 11-19 and 46 depend directly or indirectly from one of independent claims 1 and 45 and claims 40-44 depend directly or indirectly from independent claim 39, and for at least similar reasons distinguish over Koike. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 11-19, 40-44, and 46.

CLAIM REJECTIONS UNDER 35 U.S.C.§103

Claims 10, 26, and 32 have been rejected under 35 U.S.C.§103(a) as being unpatentable over Koike (US Pat. Pub. No. 2003/00006889) in view of Ochi et al. (US Pat. No. 5,913,910). This rejection is respectfully traversed.

Applicants respectfully refer the Examiner to the arguments made above with regard to the Koike reference. Applicants respectfully submit that Ochi et al. do not teach the deficiencies of Koike. Claims 10, 26, and 32 depend from one of independent claim 1 and for at least the reason stated above distinguish over Koike and Ochi. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 10, 26, and 32.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 07-0960.

Respectfully submitted,

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